

109TH CONGRESS
1ST SESSION

H. R. 1735

To amend title 10, United States Code, to provide that an officer of the Army or Air Force on the active-duty list may not be promoted to brigadier general unless the officer has had a duty assignment of at least one year involving the administration of the National Guard or Reserves.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2005

Ms. HOOLEY introduced the following bill; which was referred to the
Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide that an officer of the Army or Air Force on the active-duty list may not be promoted to brigadier general unless the officer has had a duty assignment of at least one year involving the administration of the National Guard or Reserves.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. GUARD OR RESERVE DUTY ASSIGNMENT RE-**
 2 **QUIRED AS CONDITION OF PROMOTION OF**
 3 **ARMY AND AIR FORCE OFFICERS TO BRIGA-**
 4 **DIER GENERAL.**

5 (a) IN GENERAL.—Chapter 36 of title 10, is amended
 6 by inserting after section 619a the following new section:

7 **“§ 619b. Eligibility for consideration for promotion:**
 8 **Army and Air Force officers; Guard or**
 9 **Reserve duty required before promotion**
 10 **to brigadier general; exceptions**

11 “(a) GENERAL RULE.—After the end of the one-year
 12 period beginning on the date of the enactment of this sec-
 13 tion, an officer on the active-duty list of the Army or Air
 14 Force may not be appointed to the grade of brigadier gen-
 15 eral unless the officer has completed a tour of duty of at
 16 least one year in a Guard or Reserve duty assignment.

17 “(b) EXCEPTIONS.—Subject to subsection (c), the
 18 Secretary of Defense may waive subsection (a) in the fol-
 19 lowing circumstances:

20 “(1) When necessary for the good of the serv-
 21 ice.

22 “(2) In the case of an officer whose proposed
 23 selection for promotion is based primarily upon sci-
 24 entific and technical qualifications for which Guard
 25 or Reserve requirements do not exist.

26 “(3) In the case of—

1 “(A) a medical officer, dental officer, vet-
2 erinary officer, medical service officer, nurse, or
3 biomedical science officer;

4 “(B) a chaplain; or

5 “(C) a judge advocate.

6 “(4) In the case of an officer selected by a pro-
7 motion board for appointment to the grade of briga-
8 dier general while serving in a Guard or Reserve
9 duty assignment if at least 180 days of that assign-
10 ment have been completed on the date of the con-
11 vening of that selection board.

12 “(c) REGULATIONS.—The Secretary of Defense shall
13 prescribe regulations to carry out this section. The regula-
14 tions shall specifically identify for purposes of subsection
15 (b)(2) those categories of officers for which selection for
16 promotion to brigadier general is based primarily upon sci-
17 entific and technical qualifications for which Guard or Re-
18 serve requirements do not exist.

19 “(d) GUARD OR RESERVE DUTY ASSIGNMENT DE-
20 FINED.—In this section, the term ‘Guard or Reserve duty
21 assignment’ means an assignment involving the orga-
22 nizing, administering, recruiting, instructing, or training
23 the reserve components, other than an assignment to a
24 Reserve Officers Training Corps unit.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of subchapter II of such chapter is
3 amended by inserting after the item relating to section
4 619a the following new item:

“619b. Eligibility for consideration for promotion: Army and Air Force officers;
Guard or Reserve duty required before promotion to brigadier
general; exceptions.”.

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